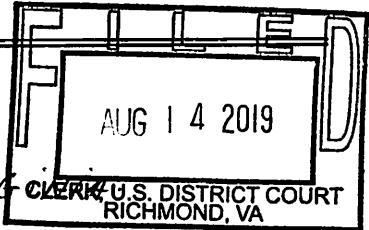


AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



RAYMOND TIEDE
#A200397367

ESTERN DISTRICT OF VIRG

)
)
)
)

Petitioner

)
)

v.
Jeffrey Crawford, Thomas Homan, Roman Vittiello
MATTHEW ALBENCE, FOX HOTT, MARLEN PINEIRO
NATHALIE ASHER, KEVIN MC ALLEN
WILLIAM BARR

Respondent

Case No.

3:19cv589

(Supplied by Clerk of Court)

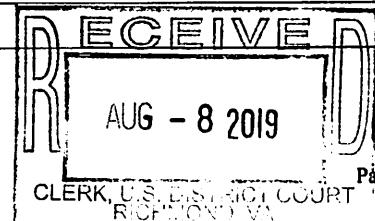
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Raymond TIEDE
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: FARMVILLE ICE DETENTION CENTER
(b) Address: 508 WATER WORKS Rd.
FARMVILLE, VA 23901
(c) Your identification number: _____
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____

(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
- Being held on an immigration charge
 Other (explain): _____



Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention

Immigration detention

Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: US Immigration and Customs Enforcement
US Department of Homeland Security, 2675 Prosperity Ave, Fairfax, VA 20598

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Decision to continue Detention after 90 days Review (July 29) by the
US Immigration and Customs Enforcement.

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Farmville ICE Detention CENTER
GRIEVANCE PROCEDURE

(2) Date of filing: July 130/2019

(3) Docket number, case number, or opinion number: G-19-328

(4) Result: DENIED

(5) Date of result: 08/01/2019

(6) Issues raised: Constitutional violation and Enjoined Continued
detention after exhausted administrative remedies

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court: _____
(2) Case number: _____
(3) Date of filing: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court: _____
(2) Case number: _____
(3) Date of filing: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 04/28/2019

(b) Date of the removal or reinstatement order: 04/29/2019

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

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(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____
(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____
(d) Docket number, case number, or opinion number: _____
(e) Result: _____
(f) Date of result: _____
(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: ¹ PETitioner was denied release after 90 days review by the Respondent violated the equal protection Right of the fourteenth Amendment to the United States Constitution and by the due -process clause of the fifth Amendment.

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(a) Supporting facts (Be brief. Do not cite cases or law.):

Respondent violates INA § 241(2)(G), as interpreted in *Zadvydas*. Mr. Raymond TiEDE's 90 days statutory removal period for continued Removal effort has passed. IT IS EXTREMELY UNLIKELY THAT THE RESPONDENTS WILL BE ABLE TO REMOVE THE PETITIONER IN FORESEEABLE FUTURE BECAUSE THE EMBASSY OF FRANCE HAS NOT AND WILL NOT PROVIDE TRAVEL DOCUMENTATION. USUALLY IT IS ALLOWED TO TAKE SIX MONTHS TO DECIDE IF ALIEN DEPORTATION IS "REASONABLY FORESEEABLE". FRANCE WILL NOT TAKE ME.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: STATUTORY VIOLATION

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER'S CONTINUED DETENTION VIOLATES THE 90 DAYS STATUTORY REMOVAL PERIOD. CONTINUED DETENTION IS UNREASONABLE AND IS NOT AUTHORIZED.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Substantive Due Process violation

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER'S CONTINUED DETENTION VIOLATES HIS RIGHT TO SUBSTANTIVE DUE PROCESS BY DEPRIVING HIM OF HIS CORE LIBERTY INTEREST TO BE FREE FROM BODY RESTRAINT.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Petitioner did not present grounds two and three in all appeals that were available because he is a pro se petitioner that have no knowledge of immigration issues.

Request for Relief

15. State exactly what you want the court to do: *1) Assume jurisdiction over this matter. 2) Grant Petitioner a Writ of Habeas Corpus directing the respondent to immediately release the petitioner from custody. 3) Order Respondent to refrain from transferring the petitioner out of the jurisdiction of field office Director, Fed HOTT, during the pendency of these proceedings and while petitioner remains in Respondent's custody. 4) Grant any other and further relief which this court deems just and proper.*

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

08/05/2019

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/05/2019

Raymond Tiede

Signature of Petitioner

Signature of Attorney or other authorized person, if any



County/City of Prince Edward
Commonwealth/State of VA
The foregoing instrument was acknowledged
before me this 5 day of Aug.
2019, by
Raymond Tiede
(name of person seeking acknowledgement)
Nathan Michael Cole, Notary Public No. 7819706
My Commission Expires May 31, 2023